

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

2004 OCT 27 Civil Action No.: 04-10497-NMG

DAVID DEITZEL

Plaintiff,

vs.

BOSTON AND MAINE CORPORATION and
GUILFORD TRANSPORTATION
INDUSTRIES, INC.

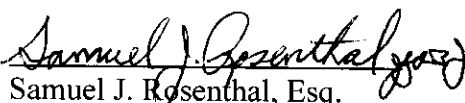
Defendants .

U.S. DISTRICT COURT
DISTRICT OF MASS

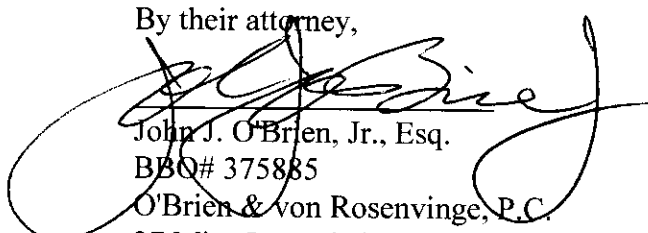
JOINT MOTION TO REMOVE DEFAULT
AGAINST THE DEFENDANTS, BOSTON & MAINE CORPORATION
AND GUILFORD TRANSPORTATION INDUSTRIES, INC.

Now come the parties in the above entitled matter and respectfully request this Court to allow this Joint Motion to Remove the Defaults entered against Boston & Maine Corporation and Guilford Transportation Industries, Inc. on September 29, 2004. In support of this motion the parties state that the plaintiff has filed a Complaint in Civil Action No. 03-12560-RSG that arises out of the identical incident described in the Complaint to this cause of action. Inasmuch as the parties are pursuing and defending their respective claims and defenses before Judge Stearns, the parties respectfully request that the Court Order the removal of the Defaults entered on September 29, 2004 and file and docket the Stipulation of Dismissal that accompanies this Joint Motion. Respectfully submitted:

The plaintiff,
David Deitzel,
By his attorney,


Samuel J. Rosenthal, Esq.
Rudolph V. DeGeorge, II, Esq.
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The defendants,
Boston & Maine Corporation and Guilford
Transportation Industries, Inc.
By their attorney,


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DATED: 10-26-04
JointMtnRemoveDef NMG